

MESSAGE NO: 1152302 MESSAGE DATE: 06/01/2011

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE: ADRV-Administrative Review

FR CITE: 71 FR 40477 FR CITE DATE: 07/17/2006

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-851

EFFECTIVE DATE: 07/17/2006 COURT CASE #:

PERIOD OF REVIEW: 02/01/2004 TO 01/31/2005

PERIOD COVERED: 02/01/2004 TO 01/31/2005

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION INSTRUCTIONS FOR CERTAIN PRESERVED MUSHROOMS FROM THE PEOPLE'S REPUBLIC OF CHINA EXPORTED BY THE PRC-WIDE ENTITY FOR PERIOD 2/1/2004 THROUGH 1/31/2005 (A-570-851)

1. FOR ALL SHIPMENTS OF CERTAIN PRESERVED MUSHROOMS FROM THE PEOPLE'S REPUBLIC OF CHINA EXPORTED BY THE PRC-WIDE ENTITY (A-570-851-000) ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 2/1/2004 THROUGH 1/31/2005, ASSESS AN ANTIDUMPING LIABILITY EQUAL TO 198.63 PERCENT OF THE ENTERED VALUE.

2. IN THE DEPARTMENT'S FINAL RESULTS 71 FR 40477, 7/17/2006, THE DEPARTMENT DETERMINED THAT THE FOLLOWING EXPORTERS ARE NO LONGER ELIGIBLE FOR A SEPARATE RATE AND ARE CONSIDERED PART OF THE PRC-ENTITY:

EXPORTER: PRIMERA HARVEST (XIANGFAN) COMPANY, LTD. (AKA PRIMERA HARVEST (XIANGFAN) INCORPORATED)

EXPORTER: GERBER FOOD (YUNNAN) CO., LTD.

EXPORTER: GUANGXI YULIN ORIENTAL FOOD CO., LTD.

THEREFORE, ENTRIES OF CERTAIN PRESERVED MUSHROOMS EXPORTED BY THE FIRMS LISTED IN THIS PARAGRAPH, ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 2/1/2004 THROUGH 1/31/2005, SHOULD BE LIQUIDATED IN ACCORDANCE WITH THE ASSESSMENT INSTRUCTIONS LISTED IN PARAGRAPH 1 ABOVE FOR THE PRC ENTITY. ENTRIES OF SUCH MERCHANDISE MAY HAVE ENTERED UNDER THE FOLLOWING CASE NUMBERS:

A-570-851-025

A-570-851-004

A-570-851-020

3. THE NOTICE OF LIFTING OF SUSPENSION OF LIQUIDATION FOR ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 2/1/2004 THROUGH 1/31/2005, OCCURRED WITH

THE PUBLICATION OF THE FINAL RESULTS OF ADMINISTRATIVE REVIEW 71 FR 40477, (7/17/2006). FOR ALL OTHER SHIPMENTS OF CERTAIN PRESERVED MUSHROOMS FROM THE PEOPLE'S REPUBLIC OF CHINA, YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT CASH DEPOSIT RATES OR PER-UNIT AMOUNTS.

4. THERE ARE NO INJUNCTIONS APPLICABLE TO THE ENTRIES COVERED BY THIS INSTRUCTION.

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CBP ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

6. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(F)(2) OF COMMERCE'S REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY. IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE MANUFACTURER, PRODUCER, SELLER, OR EXPORTER, TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577, RESPECTIVELY (GENERATED BY O9: PW).

8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

MICHAEL B. WALSH

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party